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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,140	08/06/2003	Junichi Yamagishi	F-7920	2400

28107 7590 01/24/2007  
JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

EXAMINER
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CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/636,140

Applicant(s)

YAMAGISHI, JUNICHI

Examiner

Sheela C. Chawan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/06, 8/6/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

**Priority**

1. *Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.*

**Response to Amendment**

2. Applicant's amendment filed on 12/5/06 has been fully considered.

**Election/Restriction**

3. Claim 1, is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant elected group II, claim 2, filed Dec 5, 2006 is acknowledge.

**Information Disclosure Statement**

4. The information disclosure statement (IDS) submitted on 12/15/06, 8/06/03, the information disclosure statement has been considered by the examiner.

**Drawings**

5. The Examiner has approved drawings filed on 8/6/03.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the

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treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 2, is rejected under 35 U.S.C. 102(e) as being anticipated by Morimoto et al., (US. 6,418,235 B1).

As to claim 2, Morimoto discloses a locking apparatus (column 2, lines 59-67, column 3, lines 21- 26) comprising:

- a biometric information input unit configured to input biometric information related to a person (note, biometric information is a human being organism, column 2, lines 61- 62);

- an ID code input unit configured to input an ID code related to the person (fig 3, column 3, lines 43- 47);

- a biometric information register configured to register the input biometric information (column 3, lines 27- 33);

- an ID code register configured to register the input ID code (note, ID code registration corresponds to attribute data belongs to the registered person and /or face data, fig 4 n3);

- an indexer configured to provide an index that relates the registered biometric information and ID code to each other and indicates locations where the registered biometric information and ID code are stored (note, indexing corresponds to classifying, column 3, lines 56- 61, fig 4 n4);

- an index memory configured to store the provided index (column 3, lines 27- 35);

a retriever configured to retrieve registered biometric information from the biometric information register according to an index corresponding to an ID code input by a user into the ID code input unit (column 4, lines 4- 35);

an authentication unit configured to authenticate the user by comparing the retrieved biometric information with biometric information input by the user into the biometric information input unit (column 4, lines 26- 40);

a lock driver configured to lock and unlock a door (column 4, lines 26- 40); and

a controller configured to make the lock driver unlock the door when the authentication unit authenticates a person (column 4, lines 27- 40).

***Other prior art cited***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pare,Jr. et al., (US.5,802,199) discloses use sensitive identification system.

Vacek et al., (US.6,937,702B1) discloses method, apparatus, and computer readable media for minimizing the risk of fraudulent access to call center resources.

Blythe (US. 5,054,056) discloses tamper- deterrent device.

Toyoda et al., (US.5,999,637) discloses individual identification apparatus for selectively recording a reference pattern based on a correlation with comparative patterns.

Sham Rao (US. 2004/0059923 A1) discloses systems and method for authentication.

**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan  
Patent Examiner  
Group Art Unit 2624  
Jan 16, 2007

  
SHEELA CHAWAN  
PRIMARY EXAMINER